

Fill in this information to identify the case:

Debtor 1 John Michael Smilo

Debtor 2 Traci Lynn Smilo  
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of Ohio  
(State)

Case number 17-53776

6

## Official Form 410S1

## Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: U.S. Bank Trust National Association,  
as Trustee of Cabana Series III Trust

Court claim no. (if known): 6

Last 4 digits of any number you use to  
identify the debtor's account:

9 6 3 8

## Date of payment change:

Must be at least 21 days after date 08 / 01 / 2019  
of this notice

## New total payment:

Principal, interest, and escrow, if any \$ 1,353.81

## Part 1: Escrow Account Payment Adjustment

## 1. Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ 333.38

New escrow payment: \$ 391.82

## Part 2: Mortgage Payment Adjustment

## 2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

☒ No

☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_%

New interest rate: \_\_\_\_\_%

Current principal and interest payment: \$ \_\_\_\_\_

New principal and interest payment: \$ \_\_\_\_\_

## Part 3: Other Payment Change

## 3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

☒ No

☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_

New mortgage payment: \$ \_\_\_\_\_

Debtor 1 John Michael Smilo Case number (if known) 17-53776  
First Name Middle Name Last Name

**Part 4:** Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- ☐ I am the creditor.
- ☒ I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.**

**X** /s/ Michelle R. Ghidotti-Gonsalves Date 07 / 11 / 2019  
Signature

Print: Michelle R. Ghidotti-Gonsalves Title AUTHORIZED AGENT  
First Name Middle Name Last Name

Company Ghidotti Berger, LLP

Address 1920 Old Tustin Ave  
Number Street  
Santa Ana, CA 92705  
City State ZIP Code

Contact phone (949) 427 - 2010 Email mghidotti@ghidottiberger.com

**BSI Financial Services**  
314 S. Franklin Street, 2nd Floor  
P.O. Box 517  
Titusville, PA 16354  
1-800-327-7861  
https://myloanweb.com/BSI

DATE: 06/25/19

JOHN M SMILO  
636 RIDGEWOOD DR  
COSHOCOTON, OH 43812

PROPERTY ADDRESS  
636 RIDGEWOOD DR  
COSHOCOTON, OH 43812

PLEASE REVIEW THIS STATEMENT CLOSELY - YOUR MORTGAGE PAYMENT MAY BE AFFECTED. THIS STATEMENT TELLS YOU OF ANY CHANGES IN YOUR MORTGAGE PAYMENT, ANY SURPLUS REFUNDS, OR ANY SHORTAGE YOU MUST PAY. IT ALSO SHOWS YOU THE ANTICIPATED ESCROW ACTIVITY FOR YOUR ESCROW CYCLE BEGINNING 08/03/2019 THROUGH 07/31/2020.

**----- ANTICIPATED PAYMENTS FROM ESCROW 08/03/2019 TO 07/31/2020 -----**

HOMEOWNERS INS	\$1,276.51
COUNTY TAX	\$2,792.36
TOTAL PAYMENTS FROM ESCROW	\$4,068.87
MONTHLY PAYMENT TO ESCROW	\$339.07

**----- ANTICIPATED ESCROW ACTIVITY 08/03/2019 TO 07/31/2020 -----**

ANTICIPATED PAYMENTS			ESCROW BALANCE COMPARISON	
MONTH	TO ESCROW	FROM ESCROW	DESCRIPTION	REQUIRED
			STARTING BALANCE -->	\$1,655.48
AUG	\$339.07			\$1,994.55
SEP	\$339.07			\$2,333.62
OCT	\$339.07	\$1,276.51	HOMEOWNERS INS	\$1,396.18
NOV	\$339.07			\$1,735.25
DEC	\$339.07	\$1,396.18	COUNTY TAX	\$678.14
JAN	\$339.07			\$1,017.21
FEB	\$339.07			\$1,356.28
MAR	\$339.07			\$1,695.35
APR	\$339.07			\$2,034.42
MAY	\$339.07			\$2,373.49
JUN	\$339.07	\$1,396.18	COUNTY TAX	\$1,316.38
JUL	\$339.07			\$1,655.45

**----- DETERMINING THE SUFFICIENCY OF YOUR ESCROW BALANCE -----**

IF THE ANTICIPATED LOW POINT BALANCE (L1) IS LESS THAN THE REQUIRED BALANCE (L2), THEN YOU HAVE AN ESCROW SHORTAGE. **YOUR ESCROW SHORTAGE IS \$633.44.**

**CALCULATION OF YOUR NEW PAYMENT**

PRIN & INTEREST	\$961.96
ESCROW PAYMENT	\$339.07
SHORTAGE PYMT	\$52.78
<b>NEW PAYMENT EFFECTIVE 08/03/2019</b>	<b>\$1,353.81</b>

YOUR ESCROW CUSHION FOR THIS CYCLE IS \$678.14.

\*\*\*\*\* Continued on reverse side \*\*\*\*\*



Loan Number:  
Statement Date: 06/25/19  
Escrow Shortage: \$633.44

Important: Please return this coupon with your check.

BSI FINANCIAL SERVICES  
314 S. Franklin Street, 2nd Floor  
P.O. Box 517  
Titusville, PA 16354

**Escrow Payment Options**

I understand that my taxes and/or insurance has increased and that my escrow account is short \$633.44. I have enclosed a check for:

- ☐ **Option 1:** \$633.44, the total shortage amount. I understand that if this is received by 08/03/2019 my monthly mortgage payment will be \$1,301.03 starting 08/03/2019.
- ☐ **Option 2:** \$\_\_\_\_\_, part of the shortage. I understand that the rest of the shortage will be divided evenly and added to my mortgage payment each month.
- ☐ **Option 3:** You do not need to do anything if you want to have all of your shortage divided evenly among the next 12 months.

Please make your check payable to: **BSI FINANCIAL SERVICES** and please include your loan number on your check.

### ACCOUNT HISTORY

THIS HISTORY STATEMENT COMPARES YOUR PRIOR ANALYSIS CYCLE PROJECTED ESCROW ACTIVITY TO THE ACTUAL ESCROW ACTIVITY BEGINNING 08/01/2018 AND ENDING 07/31/2019. IF YOUR LOAN WAS PAID-OFF, ASSUMED OR TRANSFERRED DURING THIS PRIOR CYCLE, OR THE COMPUTATION YEAR IS BEGING CHANGED, ACTUAL ACTIVITY STOPS AT THAT POINT. THIS STATEMENT IS INFORMATION ONLY AND REQUIRES NO ACTION ON YOUR PART.

YOUR PAYMENT BREAKDOWN AS OF 08/01/2018 IS:

PRIN & INTEREST	\$961.96
ESCROW PAYMENT	\$333.38
BORROWER PAYMENT	\$1,295.34

PAYMENTS TO ESCROW			PAYMENTS FROM ESCROW			ESCROW BALANCE	
MONTH	PRIOR PROJECTED	ACTUAL	PRIOR PROJECTED	ACTUAL	DESCRIPTION	PRIOR PROJECTED	ACTUAL
NOV	\$0.00	\$208.33 *			STARTING BALANCE	\$0.00	\$0.00
FEB	\$0.00	\$2,000.28 *				\$0.00	A-> \$208.33-
MAR	\$0.00	\$666.76 *		\$1,396.18 *	COUNTY TAX	\$0.00	\$1,791.95
APR	\$0.00	\$333.38 *				\$0.00	\$1,062.53
MAY	\$0.00	\$333.38 *				\$0.00	\$1,395.91
	\$0.00	\$3,125.47	\$0.00	\$1,396.18			\$1,729.29

UNDER FEDERAL LAW, WHEN YOUR ACTUAL ESCROW BALANCE REACHED THE LOWEST POINT, THAT BALANCE WAS TARGETED NOT TO EXCEED 1/6TH OF THE ANNUAL PROJECTED DISBURSEMENTS. YOUR LOAN DOCUMENTS OR STATE LAW MAY SPECIFY THAT YOUR LOWEST BALANCE MUST BE A LOWER AMOUNT THAN THE FEDERAL LAW ALLOWS.

UNDER YOUR MORTGAGE CONTRACT OR STATE OR FEDERAL LAW, YOUR TARGETED LOW POINT BALANCE (T) WAS \$0.00. YOUR ACTUAL LOW POINT ESCROW BALANCE (A) WAS \$208.33-.

BY COMPARING THE ANTICIPATED ESCROW TRANSACTIONS WITH THE ACTUAL TRANSACTIONS YOU CAN DETERMINE WHERE A DIFFERENCE MAY HAVE OCCURRED. AN ASTERISK (\*) INDICATES A DIFFERENCE IN EITHER THE AMOUNT OR DATE OF THE PROJECTED ACTIVITY THAT HAS NOT YET OCCURRED DUE TO THE DATE OF THIS STATEMENT.

IF THERE ARE NO PRIOR PAYMENTS TO OR FROM ESCROW SHOWN, THERE WAS NO PRIOR PROJECTION TO WHICH THE ACTUAL ACTIVITY COULD BE COMPARED.

### Determining your Shortage or Surplus

#### Shortage:

Any shortage in your escrow account is usually caused by one the following items:

- An increase, if any, in what was paid for insurance and/or taxes from your escrow account.
- A projected increase in taxes for the upcoming year.
- The number of months elapsed from the time of these disbursements to the new payment effective date.

Shortages are divided evenly of the next twelve months. To reduce the increase in your monthly payment, the shortage can be paid either partially or in full.

#### Surplus:

A surplus in your escrow account is usually caused by one the following items:

- The insurance/taxes paid during the past year were lower than projected.
- A refund was received from the taxing authority or insurance carrier.
- Additional funds were applied to your escrow account.

If your surplus is \$50.00 or greater and your loan was contractually current at the time when the analysis was run or calculated, a check will be sent to you. If your surplus is less than \$50.00, the funds will be retained in your escrow account.

Michelle R. Ghidotti-Gonsalves, Esq. (SBN 27180)

GHIDOTTI | BERGER

1920 Old Tustin Ave.

Santa Ana, CA 92705

Ph: (949) 427-2010

Fax: (949) 427-2732

mghidotti@ghidottiberger.com

Attorney for Creditor

U.S. Bank Trust National Association, as Trustee of Cabana Series III Trust

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO— COLUMBUS DIVISION

In Re: ) CASE NO.: 17-53776  
)  
John Michael Smilo and Traci Lynn Smilo, ) CHAPTER 13  
)  
Debtors. ) **CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is: 1920 Old Tustin Avenue, Santa Ana, CA 92705.

I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

On July 11, 2019 I served the following documents described as:

- **NOTICE OF MORTGAGE PAYMENT CHANGE**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

**Debtor**

John Michael Smilo  
636 Ridgewood Dr  
Coshocton, OH 43812

**Joint Debtor**

Traci Lynn Smilo  
636 Ridgewood Dr  
Coshocton, OH 43812

**Chapter 13 Trustee**

Frank M Pees  
130 East Wilson Bridge Road  
Suite 200  
Worthington, OH 43085

**Debtor's Counsel**

Crystal I Zellar  
Zellar & Zellar, Attorneys at Law, Inc.  
720 Market St  
Zanesville, OH 43701

**U.S. Trustee**

Asst US Trustee (Col)  
Office of the US Trustee  
170 North High Street  
Suite 200  
Columbus, OH 43215

xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

       Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 11, 2019 at Santa Ana, California

/s/ Lauren Simonton

Lauren Simonton